

REMARKS and RESPONSE TO RESTRICTION REQUIREMENT

By amendment above, claim 22 has been amended to provide that the peptide linker is a linker "consisting of" 1 to 9 amino acids, rather than a linker "having" 1 to 9 amino acids. Claim 25 likewise has been amended. In addition, claims 39 and 41 have been amended to correct minor errors.

In the Restriction Requirement, the examiner asserted that the claims are directed to more than one invention and that the inventions are not linked so as to form a single general inventive concept under PCT Rule 13.1. The claims were divided as follows:

Group I: claims 22-33 and 37-38, directed to a recombinant Fel d 1 fusion product;

Group II: claims 34-36 and 40-41, directed to DNA sequences encoding a recombinant Fel d 1 fusion product;

Group III: claim 39, directed to a method for diagnosing cat allergy.

The examiner asserted that the inventions listed as Groups I - III do not relate to a single general inventive concept under PCT Rule 13.1 because, under Rule 13.2, they lack the same or corresponding special technical features. Specifically, the invention of Group I was found to have no special technical

feature that defines the contribution over the prior art of Vailes et al, *J. Allergy Clin. Immunol.* 110 (5):757-762 (2002). The reference was described as teaching a recombinant Fel d 1 fusion product comprising a Fel d 1 chain 1 and a Fel d 1 chain 2, wherein the N-terminal amino acid of chain 2 is linked to the C-terminal amino acid of chain 1 through a 19 amino acid linker. The examiner stated that the recitation in claim 22 of the present application of a peptide linker "having" from 1 to 9 amino acid residues is open language that opens the claims to include peptide linkers with more than 9 amino acid residues.

By amendment above, Applicants have amended claim 22 to replace "having" with "consisting of." Applicants respectfully submit that the cited Vailes reference is not relevant to the invention set forth in the claims of the present application as now presented and that the restriction requirement, accordingly, should be withdrawn.

Applicants recognize that, although they believe that the restriction requirement should be withdrawn, they are under an obligation to elect one of the groups of claims in the event that the examiner makes the restriction requirement final. Accordingly, Applicants hereby elect the claims of Group I. Applicants request, however, that in view of the amendments set

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forth above, all of the pending claims should be examined together.

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